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UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;  
 ORACLE AMERICA, INC., a Delaware  
 corporation; and ORACLE INTERNATIONAL  
 CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;  
 AND SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-VCF

**ORACLE'S MOTION TO SEAL  
 PORTIONS OF ORACLE'S REPLY  
 ISO MOTION FOR SANCTIONS  
 PURSUANT TO RULE 37 AND  
 SUPPORTING DOCUMENTS**

**NOTICE OF MOTION AND MOTION**

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 21, 2010, ECF No. 55 (“Protective Order”), Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, and Local Rule 10-5(b), Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corporation (collectively “Oracle” or “Plaintiffs”) request that the Court order the Clerk of the Court to file under seal certain portions of Oracle’s Reply In Support Of Oracle’s Motion for Sanctions Pursuant to Rule 37 (“Reply”), and Exhibit A to the Supplemental Declaration of Sean P. Rodriguez (Supp. Rodr. Decl.).

Public, redacted versions of these documents were filed on July 31, 2020. ECF Nos. 1376 and 1377-1. Unredacted versions of these documents will be subsequently filed under seal with the Court and linked to the filing of this motion. This Motion is based on this Notice of Motion, the Memorandum of Points and Authorities herein, documents incorporated by reference, the entire record in this action, matters appropriate for judicial notice, and any evidence or argument presented on reply or at the hearing.

Federal Rule of Civil Procedure 26(c) provides broad discretion for a trial court to permit sealing of court documents for, *inter alia*, the protection of “a trade secret or other confidential research, development, or commercial information.” Fed. R. Civ. P. 26(c). For sealing requests relating to non-dispositive motions, such as Oracle’s Motion for Sanctions Pursuant to Rule 37, the presumption of public access to court filings may be overcome by a showing of good cause under Rule 26(c). *See Pintos v. Pacific Creditors Ass’n*, 605 F.3d 665, 678 (9th Cir. 2010); *Kamakana v. Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). *See also* ECF No. 317 (granting Oracle’s 2012 Motion to Seal Plaintiffs’ Motion for Evidentiary Sanctions for Spoliation for “good cause” shown). The Court has “broad latitude” under Rule 26(c) “to prevent disclosure of materials for many types of information, including, but not limited to” the commercial information described in Rule 26(c)’s text. *Phillips v. General Motors Corp.*, 307 F.3d 1206, 1211 (9th Cir. 2002) (citations omitted).

Oracle therefore requests that the Court seal portions of the Reply that reflect information drawn from Exhibits 1 and 2 to the Declaration of Barbra Frederiksen-Cross, ECF No. 1363,

1 because they reflect non-public, technologically and commercially sensitive information relating  
2 to Oracle's software, the public disclosure of which would create a significant risk of  
3 competitive injury and particularized harm, and would prejudice Oracle. Oracle's competitors  
4 and potential competitors could use such information to compete unfairly with Oracle.

5 In addition, these exhibits and other redacted portions of Oracle's Reply reflect  
6 information drawn from other sources that Rimini Street, Inc. ("Rimini") has designated as  
7 "Confidential" or "Highly Confidential – Attorneys' Eyes Only" under the Protective Order,  
8 including Exhibit A to the Supplemental Rodriguez Declaration.

9 The Protective Order states, "Counsel for any Designating Party may designate any  
10 Discovery Material as 'Confidential Information' or 'Highly Confidential Information –  
11 Attorneys' Eyes Only' under the terms of this Protective Order only if such counsel in good faith  
12 believes that such Discovery Material contains such information and is subject to protection  
13 under Federal Rule of Civil Procedure 26(c). The designation by any Designating Party of any  
14 Discovery Material as 'Confidential Information' or 'Highly Confidential Information –  
15 Attorneys' Eyes Only' shall constitute a representation that an attorney for the Designating Party  
16 reasonably believes there is a valid basis for such designation." Protective Order ¶ 2.

17 Oracle therefore submits these portions of the Reply and supporting documents under  
18 seal pursuant to the Protective Order based on Rimini's representation that there is a valid basis  
19 under the Protective Order for its confidentiality designations. Oracle does not independently  
20 contend that these portions are subject to such protection, but makes this request pursuant to  
21 paragraph 14 of the Protective Order. Oracle is not in a position to provide further justification to  
22 show good cause to seal the documents.

23 Oracle has submitted all other portions of its Reply and supporting materials to the Court's  
24 public files, which allows public access to all materials except for the items discussed above.  
25 Accordingly, the request to seal is narrowly tailored. For the foregoing reasons, Oracle  
26 respectfully requests that the Court grant leave to file under seal the portions of the documents  
27 discussed above.  
28

1 DATED: July 31, 2020

BOIES SCHILLER FLEXNER LLP

2 By: /s/ Richard J. Pocker

3 Richard J. Pocker

4 Attorneys for Plaintiffs Oracle USA, Inc.,  
Oracle America, Inc., and Oracle International  
5 Corporation

**CERTIFICATE OF SERVICE**

I certify that on July 31, 2020, I electronically transmitted the foregoing **ORACLE'S MOTION TO SEAL PORTIONS OF ORACLE'S REPLY ISO MOTION FOR SANCTIONS PURSUANT TO RULE 37 AND SUPPORTING DOCUMENTS** to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all counsel in this matter; all counsel are CM/ECF registrants.

Dated: July 31, 2020

BOIES SCHILLER FLEXNER LLP

By: /s/ Ashleigh Jensen

Ashleigh Jensen

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;  
ORACLE AMERICA, INC., a Delaware  
corporation; and ORACLE INTERNATIONAL  
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;  
AND SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-VCF

**[PROPOSED] ORDER GRANTING  
ORACLE'S MOTION TO SEAL  
PORTIONS OF ORACLE'S REPLY  
ISO MOTION FOR SANCTIONS  
PURSUANT TO RULE 37 AND  
SUPPORTING DOCUMENTS**

**[PROPOSED] ORDER**

Pending before this Court is Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corporation's (collectively "Oracle") Motion to Seal Portions of Oracle's Reply ISO Oracle's Motion for Sanctions Pursuant to Rule 37 and Supporting Documents ("Motion to Seal"). Federal Rule of Civil Procedure 26(c) provides broad discretion for a trial court to permit sealing of court documents for, *inter alia*, the protection of "a trade secret or other confidential research, development, or commercial information." Fed. R. Civ. P. 26(c). Having considered Oracle's Motion to Seal and supporting materials, good cause having been shown:

IT IS HEREBY ORDERED THAT: Oracle's Motion to Seal is GRANTED. The Clerk of the Court shall file under seal the materials specified in Oracle's Motion.

IT IS SO ORDERED.

DATED:

By: \_\_\_\_\_